

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

In re:	)	Case No. 04-10371B
	)	
JOSEPHINE COHARA	)	Chapter 7
	)	
Debtor	)	Judge Randolph Baxter

**MOTION TO DISMISS CHAPTER 7 PROCEEDING**

Debtor respectfully requests this court for an order dismissing her Chapter 7 proceeding on the basis that it would be more fair to the creditors and that some assets that the Trustee is attempting to attach are necessary for the ongoing health and maintenance of the debtor.

**BRIEF AND FACTS IN SUPPORT OF MOTION TO DISMISS CHAPTER 7  
PROCEEDING**

Trustee currently is attempting to get an order directing Prudential Annuity Services to turn over annuity payments which are the result of a structured settlement that was negotiated when debtor was involved in a serious automobile accident as a minor. Unfortunately, Debtor's medical condition has progressively declined causing increased pain and the need for one or several operations and said structured settlement payments are necessary to pay ongoing medical expenses which will be incurred as a result of this accident. Debtor's employer has increasingly been classifying some or all of these expenses as pre-existing conditions which will cause an undue hardship on debtor if the structured settlement payments can't be applied to these ongoing expenses.

Debtor further states that a dismissal of her action may be more fair to creditors as she has proposed a payment of her debts to creditors that may ultimately pay more to creditors than under the proposed motion of the Trustee for a Turnover of Funds

especially in light of the increased administration fees that will be paid the Trustee in this matter. This is specifically what was not intended when the structured settlement was proposed as it has anti-alienation provisions which would prohibit the attachment of these funds by creditors.

WHEREFORE, Debtor respectfully requests a dismissal of her Chapter 7 proceeding.

Respectfully submitted,

/s/ Joseph E. Marosan (#0025849)  
Attorney for Debtor  
P.O. Box 30536  
Cleveland, Ohio 44130  
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440-239-9789  
jemlaw1@yahoo.com

#### NOTICE OF HEARING

A hearing on this Motion to Dismiss will be heard on May 11, 2004 at 9:00 AM in courtroom 3004 on the 30<sup>th</sup> floor of Key Tower, 127 Public Square, Cleveland, Ohio 44114. If no objections are presented in opposition to the Motion to Dismiss on or before May 4, 2004, the motion and relief may be granted without a hearing.

#### CERTIFICATE OF SERVICE

A copy of the foregoing Motion to Dismiss was mailed by regular U.S. Mail, or emailed electronically, this 6<sup>th</sup> day of April, 2004 to the interested parties listed in Exhibit A.

/s/ Joseph E. Marosan

## EXHIBIT A

Great Lakes Educational Loan Services Inc  
Claims Filing Unit  
PO Box 8973  
Madison, WI 53708-8973  
Via U.S. Mail

Alltel  
C/O Nationwide Credit Inc.  
P.O. Box 740624  
Atlanta, GA 30374  
Via U.S. Mail

Ameritech  
700 Longwater Drive  
Norwell, MA 02061  
Via U.S. Mail

BMG Music  
P.O. Box 91501  
Indianapolis, IN 46291  
Via U.S. Mail

Center For Advance Dentistry  
3690 Orange Place Suite 180  
Beachwood, OH 44122  
Via U.S. Mail

Charter One Bank  
C/O Arrow Financial  
7301 North Lincoln Avenue  
Lincolnwood, IL 60712  
Via U.S. Mail

Community Emergency Physicians  
P.O. Box 72556  
Cleveland, OH 44192  
Via U.S. Mail

Dr. Alperin Ruch & Fried  
C/O First Federal Credit Control  
24700 Chagrin Blvd #205  
Cleveland, OH 44122

Via US. Mail

Dr. Bochenek  
P.O. Box 901593  
Cleveland, OH 44190  
Via US Mail

First Premier Bank  
P.O. Box 5114  
Sioux Falls, SD 57117  
Via U.S. Mail

Florida Metropolitan College  
3319 W. Hillsboro Ave.  
Tampa, FL 33614  
Via U.S. Mail

Great Lakes Higher Education  
P.O. Box 3059  
Milwaukee, WI 53201  
Via U.S. Mail

Marymount Hospital  
C/O HMC Group  
837 Crocker Road  
Westlake, OH 44145  
Via U.S. Mail

Parma Community Hospital  
P.O. Box 221278  
Beachwood, OH 44122  
Via U.S. Mail

Progressive Insurance  
C/O Credit Collections Services  
2 Wells Avenue  
Newton, MA 02459  
Via US Mail

Radiological Associates  
C/O First Federal Credit Control  
24700 Chagrin Blvd #205

Cleveland, OH 44122  
Via U.S. Mail

Redi Storage  
17101 Rockside Road  
Garfield Heights, OH 44125  
Via U.S. Mail

The Prudential Insurance Company of America  
Annuity Services  
ATTN: Manager or Executive Officer  
P.O. Box 13467  
Philadelphia, PA 19101  
Via U.S. Mail

Josephine Cohara  
11430 Somerset Dr.  
North Royalton, Ohio 44133

Via US Mail

Lisa A. Vardzel  
Via ECF

United States Trustee  
Via ECF